



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF STATE POLICE
LANSING

COL. JOSEPH M. GASPER
DIRECTOR

July 15, 2019

Ms. Emma Best
Muckrock News
DEPT. MR 75928
411A Highland Avenue
Somerville, Massachusetts 02144-2516

Subject: CR-20081575; MOU/MOA

Dear Ms. Best:

The Michigan State Police (MSP) previously received your request for public records and processed it under the provisions of the Michigan Freedom of Information Act (FOIA), MCL 15.231 *et seq.* The MSP issued the written response to you on July 11, 2019, indicating the MSP did not possess responsive records. Responsive records have since been located within the MSP. Those responsive records are enclosed at no fee to you, and your request has been corrected to reflect a granted in part and denied in part response.

Pursuant to section 13(1)(a) information of a personal nature where the public disclosure of the information would constitute a clearly unwarranted invasion of an individual's privacy; name(s), telephone number(s), email address(es), and date(s) of birth have been redacted.

Pursuant to section 13(1)(s) public records of a law enforcement agency including personnel forms have been redacted as the release would (vii) endanger the life or safety of law enforcement officers or agents or their families, relatives, children, parents or those who furnish information to law enforcement departments or agencies., (viii) identify or provide a means of identifying a person as a law enforcement officer, agent, or informant, and (ix) disclose personnel records of law enforcement agencies.

Pursuant to section 13(1)(w) information or records that would disclose the social security number of any individual; social security numbers have been redacted.

Under the FOIA, section 10 (a copy of which is enclosed), you have the right to appeal to the head of this public body or to a judicial review of the denial.

The MSP's FOIA procedures and guidelines can be accessed at www.michigan.gov/msp.

Sincerely,

Lance Gackstetter
FOIA Analyst

Enclosures (2)

EXPIRATION DATE:

05/03/2021

Expires no later than 2 years from certification date (#10)

HSI Credential Number:

Badge Number:
(if applicable)

**DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement**
DESIGNATION, CUSTOMS OFFICER (EXCEPTED) – TITLE 19 TASK FORCE OFFICER
(Homeland Security Investigations Directive 14-02)

Pursuant to the provisions of 19 U.S.C. § 1401(i) and as delegated, and by agreement with your employing agency, *you are hereby designated a Customs Officer (Excepted) without additional compensation, hereinafter referred to as a Title 19 Task Force Officer (TFO)*. This designation, for the performance of such duties as outlined below, will be in effect while you remain in your present position and location until the expiration date, unless revoked at an earlier date. In performing the duties of a TFO, you will be subject to guidelines, directives, and instructions of the Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI). Arrangements will be made for you to receive the training necessary to perform your duties as a TFO according to HSI Directive 14-02, "Law Enforcement Officers Designated to Act as Customs Officers (Excepted) for Investigative Purposes – Domestic", dated May 7, 2014, or as updated.

Duration of Designation: Designations under this Directive are valid for a period of 2 years from the date the TFO Course was completed. Title 19 TFOs may be redesignated for an additional 2 years, without additional training, upon the completion of a new Designation Form, ICE Form 73-001 (this form). Redesignation must be accomplished before the expiration of the original designation. Title 19 TFOs must attend the TFO Course no less than every 4 years to remain designated.

1. TFO's Full Legal Name:		2. Last 4 of Social Security Number:	3. Date of Birth:
4. Parent Agency (Full Name – NO ACRONYMS): Michigan State Police		4a. Phone Number: +1 (231)	4b. Parent Agency E-mail: @michigan.gov
Address 12220 Fillmore Street Street West Olive MI 49460		4c. ICE or DHS E-mail (Required for Full and Part-time TFOs): 5. Parent Agency Position/Rank: Detective Trooper	
City State Zip Code		6. Parent Agency Badge Number:	
7. Parent Agency Supervisor: Det./Lt/		7a. Phone: +1 (616)	7b. E-mail: @michigan.gov
8. HSI Designated Supervisor:		8a. Phone: +1 (616)	8b. E-mail: @ice.dhs.gov
9. HSI Office Assigned: Grand Rapids		10. Certification/Recertification Date (Certification expires 2 years from): (Date of training completion or date recertified by the SAC for an additional 2 years prior to expiration of first 2 years.) 05/03/2019	
11. Cancellation/Revoked Date:	Cancellation Authorizing Signature (HSI): (Expires 2 years from date above (#10), if no signature present)		
12. TFO Status:			
<input checked="" type="checkbox"/> Full-Time: A TFO who is co-located with HSI and is working directly for an HSI first- or second-line supervisor for a minimum of 30 hours per week and is significantly contributing to investigations. (ICE or DHS e-mail required) <input type="checkbox"/> Part-Time: A TFO who is co-located with HSI and is working directly for an HSI first- or second-line supervisor for a minimum of 8 hours per week and is significantly contributing to investigations. (ICE or DHS e-mail required) <input type="checkbox"/> On-Call: A TFO who does not meet the standards of either a Part-Time or Full-Time TFO, who is occasionally called upon to assist HSI, including officers working strictly in a uniformed capacity, who does not report directly to HSI. (ICE or DHS e-mail recommended; required to fly armed.)			
13. Authorities Granted: Only the marked duties are authorized for the TFO.			
<input checked="" type="checkbox"/> Carry a firearm, in accordance with federal law, that he or she is authorized and qualified to carry by his or her parent agency while on duty. <input checked="" type="checkbox"/> Execute and serve orders, search warrants, arrest warrants, subpoenas, summonses, and other processes issued under the authority of the United States, in accordance with laws administered and/or enforced by HSI. <input checked="" type="checkbox"/> Make arrests without warrant for any offense against the United States committed in his or her presence or for a felony, cognizable under the laws of the United States, committed outside his or her presence for which sufficient probable cause exists. <input checked="" type="checkbox"/> Perform other law enforcement duties which may be authorized under 19 U.S.C. § 1589a. <input checked="" type="checkbox"/> Make seizures of property in compliance with the Constitution of the United States and the Customs laws. <input checked="" type="checkbox"/> Conduct customs border searches for merchandise being imported into or exported from the United States, and detain such persons or articles necessary to that end, or as otherwise may be subject to seizure under the laws of the United States. <input type="checkbox"/> Other authorities: _____			

14. Endorsements and Restrictions:

The following marked endorsements and restrictions apply to the TFO:

- This designation form is INVALID without accompanying HSI Identification and employing agency identification.
- The TFO shall follow the Interim ICE Use of Force Policy, dated July 7, 2004, or as updated or superseded.
- The TFO is not granted the authority to enforce administrative violations of immigration law.
- The TFO will present for inventory his or her HSI-issued credentials (and badge, if applicable) every 6 months or upon request of the HSI supervisor.
- Prior to using the authorities granted by this designation, notification will be made to an HSI supervisor or designee. (This restriction is mandatory for On-Call TFOs, and is otherwise discretionary.)
- The TFO is authorized to fly armed while conducting official HSI business. (ICE or DHS e-mail required.)
- The TFO is authorized to operate a government owned vehicle (GOV) in accordance with HSI policy.
- Other Endorsements and Restrictions: _____

*Refer to HSI Directive 14-02, "Law Enforcement Officers Designated to Act as Customs Officers (Excepted) for Investigative Purposes - Domestic," dated May 7, 2014, or as updated, for a complete explanation of authorities, endorsements, and restrictions.

15. TFO's Acknowledgement:

I have read and understand the authorities granted to me and the endorsements and restrictions listed above and in the referenced Directive.

Task Force Officer's Signature

05/03/2019

Date

16. Authorizing Officer (HSI SAC):

Printed Name

Acting Special Agent in Charge

Title

X
Signature

05/03/2019
Date

PRIVACY ACT STATEMENT

AUTHORITY: Information about you, as a Task Force Officer (TFO) Customs Officer, is collected and maintained pursuant to the provisions of 18 U.S.C. § 1401(i), appropriate re-delegations, and by agreement with your employing agency. Through the Title 19 program, HSI enters into agreements with federal, state and local law enforcement agencies to delegate to the agencies' Law Enforcement Officers (LEOs) the authority to enforce certain federal laws. As a result, HSI is authorized to delegate the full range of law enforcement duties of a Customs Officer to LEOs in federal, state and local law enforcement agencies.

PRINCIPAL PURPOSE(S): Your information is collected on this form to acknowledge your selection and designation as a Customs Officer.

ROUTINE USE(S): Pursuant to the routine uses published in DHS/ALL-023 Department of Homeland Security Personnel Security Management System of Records (February 23, 2010 75 FR 8088), HSI may share your information with federal, state, local, tribal, foreign, or international agencies if the information is relevant and necessary to HSI's decision to delegate authority or issue a security clearance to you.

DISCLOSURE: The disclosure of information on this form is voluntary; however, failure to provide the information requested will disqualify you from further participation in the Title 19 Program.

EXPIRATION DATE:

Expires no later than 2 years from certification date (#10)

HSI Credential Number:

Badge Number:
(If applicable)

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement
DESIGNATION, CUSTOMS OFFICER (EXCEPTED) – TITLE 19 TASK FORCE OFFICER
(Homeland Security Investigations Directive 14-02)

Pursuant to the provisions of 19 U.S.C. § 1401(l) and as delegated, and by agreement with your employing agency, **you are hereby designated a Customs Officer (Excepted) without additional compensation, hereinafter referred to as a Title 19 Task Force Officer (TFO)**. This designation, for the performance of such duties as outlined below, will be in effect while you remain in your present position and location until the expiration date, unless revoked at an earlier date. In performing the duties of a TFO, you will be subject to guidelines, directives, and instructions of the Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI). Arrangements will be made for you to receive the training necessary to perform your duties as a TFO according to HSI Directive 14-02, "Law Enforcement Officers Designated to Act as Customs Officers (Excepted) for Investigative Purposes – Domestic", dated May 7, 2014, or as updated.

Duration of Designation: Designations under this Directive are valid for a period of 2 years from the date the TFO Course was completed. Title 19 TFOs may be redesignated for an additional 2 years, without additional training, upon the completion of a new Designation Form, ICE Form 73-001 (this form). Redesignation must be accomplished before the expiration of the original designation. Title 19 TFOs must attend the TFO Course no less than every 4 years to remain designated.

1. TFO's Full Legal Name:	2. Last 4 of Social Security Number:		3. Date of Birth:
4. Parent Agency (Full Name – NO ACRONYMS): Michigan State Police Address 12220 Fillmore Street Street West Olive MI 49460 City State Zip Code		4a. Phone Number: +1 (231)	4b. Parent Agency E-mail: @michigan.gov
4c. ICE or DHS E-mail (Required for Full and Part-time TFOs):			
5. Parent Agency Position/Rank:		6. Parent Agency Badge Number:	
Det. Lieutenant			
7. Parent Agency Supervisor: Det. Lieutenant		7a. Phone: +1 (616) ____	7b. E-mail: @michigan.gov
8. HSI Designated Supervisor:		8a. Phone: +1 (616) ____	8b. E-mail: @ice.dhs.gov
9. HSI Office Assigned: Grand Rapids		10. Certification/Recertification Date (Certification expires 2 years from): (Date of training completion or date recertified by the SAC for an additional 2 years prior to expiration of first 2 years.)	
11. Cancellation/Revoked Date:		Cancellation Authorizing Signature (HSI): (Expires 2 years from date above (#10), if no signature present)	
12. TFO Status:			
<input checked="" type="checkbox"/> Full-Time: A TFO who is co-located with HSI and is working directly for an HSI first- or second-line supervisor for a minimum of 30 hours per week and is significantly contributing to investigations. (ICE or DHS e-mail required)			
<input type="checkbox"/> Part-Time: A TFO who is co-located with HSI and is working directly for an HSI first- or second-line supervisor for a minimum of 8 hours per week and is significantly contributing to investigations. (ICE or DHS e-mail required)			
<input type="checkbox"/> On-Call: A TFO who does not meet the standards of either a Part-Time or Full-Time TFO, who is occasionally called upon to assist HSI, including officers working strictly in a uniformed capacity, who does not report directly to HSI. (ICE or DHS e-mail recommended; required to fly armed.)			
13. Authorities Granted: Only the marked duties are authorized for the TFO.			
<input checked="" type="checkbox"/> Carry a firearm, in accordance with federal law, that he or she is authorized and qualified to carry by his or her parent agency while on duty.			
<input checked="" type="checkbox"/> Execute and serve orders, search warrants, arrest warrants, subpoenas, summonses, and other processes issued under the authority of the United States, in accordance with laws administered and/or enforced by HSI.			
<input checked="" type="checkbox"/> Make arrests without warrant for any offense against the United States committed in his or her presence or for a felony, cognizable under the laws of the United States, committed outside his or her presence for which sufficient probable cause exists.			
<input checked="" type="checkbox"/> Perform other law enforcement duties which may be authorized under 19 U.S.C. § 1589a.			
<input checked="" type="checkbox"/> Make seizures of property in compliance with the Constitution of the United States and the Customs laws.			
<input checked="" type="checkbox"/> Conduct customs border searches for merchandise being imported into or exported from the United States, and detain such persons or articles necessary to that end, or as otherwise may be subject to seizure under the laws of the United States.			
<input type="checkbox"/> Other authorities: _____			

14. Endorsements and Restrictions:

The following marked endorsements and restrictions apply to the TFO:

- This designation form is INVALID without accompanying HSI Identification and employing agency Identification.
- The TFO shall follow the Interim ICE Use of Force Policy, dated July 7, 2004, or as updated or superseded.
- The TFO is not granted the authority to enforce administrative violations of immigration law.
- The TFO will present for Inventory his or her HSI-issued credentials (and badge, if applicable) every 6 months or upon request of the HSI supervisor.
- Prior to using the authorities granted by this designation, notification will be made to an HSI supervisor or designee. (This restriction is *mandatory* for On-Call TFOs, and is otherwise discretionary.)
- The TFO is authorized to fly armed while conducting official HSI business. (ICE or DHS e-mail required.)
- The TFO is authorized to operate a government owned vehicle (GOV) in accordance with HSI policy.
- Other Endorsements and Restrictions: _____

*Refer to HSI Directive 14-02, "Law Enforcement Officers Designated to Act as Customs Officers (Excepted) for Investigative Purposes - Domestic," dated May 7, 2014, or as updated, for a complete explanation of authorities, endorsements, and restrictions.

15. TFO's Acknowledgement:

I have read and understand the authorities granted to me and the endorsements and restrictions listed above and in the referenced Directive.

Task Force Officer's Signature

Date

5/2/19

16. Authorizing Officer (HSI SAC):

Printed Name

Signature

Date

PRIVACY ACT STATEMENT

AUTHORITY: Information about you, as a Task Force Officer (TFO) Customs Officer, is collected and maintained pursuant to the provisions of 19 U.S.C. § 1401(l), appropriate re-delegations, and by agreement with your employing agency. Through the Title 19 program, HSI enters into agreements with federal, state and local law enforcement agencies to delegate to the agencies' Law Enforcement Officers (LEOs) the authority to enforce certain federal laws. As a result, HSI is authorized to delegate the full range of law enforcement duties of a Customs Officer to LEOs in federal, state and local law enforcement agencies.

PRINCIPAL PURPOSE(S): Your information is collected on this form to acknowledge your selection and designation as a Customs Officer.

ROUTINE USE(S): Pursuant to the routine uses published in DHS/ALL-023 Department of Homeland Security Personnel Security Management System of Records (February 23, 2010 75 FR 8088), HSI may share your information with federal, state, local, tribal, foreign, or international agencies if the information is relevant and necessary to HSI's decision to delegate authority or issue a security clearance to you.

DISCLOSURE: The disclosure of information on this form is voluntary; however, failure to provide the information requested will disqualify you from further participation in the Title 19 Program.

EXPIRATION DATE:

05/03/2021

Expires no later than 2 years from certification date (#10)

HSI Credential Number:

Badge Number:
(if applicable)

**DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement
DESIGNATION, CUSTOMS OFFICER (EXCEPTED) – TITLE 19 TASK FORCE OFFICER**
(Homeland Security Investigations Directive 14-02)

Pursuant to the provisions of 19 U.S.C. § 1401(j) and as delegated, and by agreement with your employing agency, you are hereby designated a Customs Officer (Excepted) without additional compensation, hereinafter referred to as a Title 19 Task Force Officer (TFO). This designation, for the performance of such duties as outlined below, will be in effect while you remain in your present position and location until the expiration date, unless revoked at an earlier date. In performing the duties of a TFO, you will be subject to guidelines, directives, and instructions of the Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI). Arrangements will be made for you to receive the training necessary to perform your duties as a TFO according to HSI Directive 14-02, "Law Enforcement Officers Designated to Act as Customs Officers (Excepted) for Investigative Purposes - Domestic", dated May 7, 2014, or as updated.

Duration of Designation: Designations under this Directive are valid for a period of 2 years from the date the TFO Course was completed. Title 19 TFOs may be redesignated for an additional 2 years, without additional training, upon the completion of a new Designation Form, ICE Form 73-001 (this form). Redesignation must be accomplished before the expiration of the original designation. Title 19 TFOs must attend the TFO Course no less than every 4 years to remain designated.

1. TFO's Full Legal Name:	2. Last 4 of Social Security Number:	3. Date of Birth:
4. Parent Agency (Full Name – NO ACRONYMS): <u>Michigan State Police</u>	4a. Phone Number: +1 (231)	4b. Parent Agency E-mail: <u>@michigan.gov</u>
Address <u>12220 Fillmore Street</u> Street <u>West Olive</u> MI <u>49460</u> City State Zip Code	4c. ICE or DHS E-mail (Required for Full and Part-time TFOs):	
7. Parent Agency Supervisor: <u>Det. Lieutenant</u>	5. Parent Agency Position/Rank: <u>Det. Lieutenant</u>	6. Parent Agency Badge Number:
8. HSI Designated Supervisor:	7a. Phone: +1 (616)	7b. E-mail: <u>@michigan.gov</u>
9. HSI Office Assigned: <u>Grand Rapids</u>	8a. Phone: +1 (616)	8b. E-mail: <u>@ice.dhs.gov</u>
11. Cancellation/Revoked Date:	10. Certification/Recertification Date (Certification expires 2 years from): <u>05/03/2019</u> (Date of training completion or date recertified by the SAC for an additional 2 years prior to expiration of first 2 years.)	
Cancellation Authorizing Signature (HSI): (Expires 2 years from date above (#10), if no signature present)		
12. TFO Status:	<input checked="" type="checkbox"/> Full-Time: A TFO who is co-located with HSI and is working directly for an HSI first- or second-line supervisor for a minimum of 30 hours per week and is significantly contributing to investigations. (ICE or DHS e-mail required) <input type="checkbox"/> Part-Time: A TFO who is co-located with HSI and is working directly for an HSI first- or second-line supervisor for a minimum of 8 hours per week and is significantly contributing to investigations. (ICE or DHS e-mail required) <input type="checkbox"/> On-Call: A TFO who does not meet the standards of either a Part-Time or Full-Time TFO, who is occasionally called upon to assist HSI, including officers working strictly in a uniformed capacity, who does not report directly to HSI. (ICE or DHS e-mail recommended; required to fly armed)	
13. Authorities Granted:	Only the marked duties are authorized for the TFO. <input checked="" type="checkbox"/> Carry a firearm, in accordance with federal law, that he or she is authorized and qualified to carry by his or her parent agency while on duty. <input checked="" type="checkbox"/> Execute and serve orders, search warrants, arrest warrants, subpoenas, summonses, and other processes issued under the authority of the United States, in accordance with laws administered and/or enforced by HSI. <input checked="" type="checkbox"/> Make arrests without warrant for any offense against the United States committed in his or her presence or for a felony, cognizable under the laws of the United States, committed outside his or her presence for which sufficient probable cause exists. <input checked="" type="checkbox"/> Perform other law enforcement duties which may be authorized under 19 U.S.C. § 1589a. <input checked="" type="checkbox"/> Make seizures of property in compliance with the Constitution of the United States and the Customs laws. <input checked="" type="checkbox"/> Conduct customs border searches for merchandise being imported into or exported from the United States, and detain such persons or articles necessary to that end, or as otherwise may be subject to seizure under the laws of the United States. <input type="checkbox"/> Other authorities: _____	

14. Endorsements and Restrictions:

The following marked endorsements and restrictions apply to the TFO:

- This designation form is INVALID without accompanying HSI identification and employing agency identification.
- The TFO shall follow the Interim ICE Use of Force Policy, dated July 7, 2004, or as updated or superseded.
- The TFO is not granted the authority to enforce administrative violations of immigration law.
- The TFO will present for inventory his or her HSI-issued credentials (and badge, if applicable) every 6 months or upon request of the HSI supervisor.
- Prior to using the authorities granted by this designation, notification will be made to an HSI supervisor or designee. (This restriction is *mandatory* for On-Call TFOs, and is otherwise discretionary.)
- The TFO is authorized to fly armed while conducting official HSI business. (ICE or DHS e-mail required.)
- The TFO is authorized to operate a government owned vehicle (GOV) in accordance with HSI policy.
- Other Endorsements and Restrictions:

*Refer to HSI Directive 14-02, "Law Enforcement Officers Designated to Act as Customs Officers (Excepted) for Investigative Purposes - Domestic," dated May 7, 2014, or as updated, for a complete explanation of authorities, endorsements, and restrictions.

15. TFO's Acknowledgement:

I have read and understand the authorities granted to me and the endorsements and restrictions listed above and in the referenced Directive.

Task Force Officer's Signature

5/1/19
Date

16. Authorizing Officer (HSI SAC):

Printed Name
Acting Special Agent in Charge

03/2019

Date

PRIVACY ACT STATEMENT

AUTHORITY: Information about you, as a Task Force Officer (TFO) Customs Officer, is collected and maintained pursuant to the provisions of 19 U.S.C. § 1401(l), appropriate re-delegations, and by agreement with your employing agency. Through the Title 19 program, HSI enters into agreements with federal, state and local law enforcement agencies to delegate to the agencies' Law Enforcement Officers (LEOs) the authority to enforce certain federal laws. As a result, HSI is authorized to delegate the full range of law enforcement duties of a Customs Officer to LEOs in federal, state and local law enforcement agencies.

PRINCIPAL PURPOSE(S): Your information is collected on this form to acknowledge your selection and designation as a Customs Officer.

ROUTINE USE(S): Pursuant to the routine uses published in DHS/ALL-023 Department of Homeland Security Personnel Security Management System of Records (February 23, 2010 75 FR 8086), HSI may share your information with federal, state, local, tribal, foreign, or international agencies if the information is relevant and necessary to HSI's decision to delegate authority or issue a security clearance to you.

DISCLOSURE: The disclosure of information on this form is voluntary; however, failure to provide the information requested will disqualify you from further participation in the Title 19 Program.

Sec. 10a.

(1) If a public body requires a fee that exceeds the amount permitted under its publicly available procedures and guidelines or section 4, the requesting person may do any of the following:

(a) If the public body provides for fee appeals to the head of the public body in its publicly available procedures and guidelines, submit to the head of the public body a written appeal for a fee reduction that specifically states the word "appeal" and identifies how the required fee exceeds the amount permitted under the public body's available procedures and guidelines or section 4.

(b) Commence a civil action in the circuit court, or if the decision of a state public body is at issue, in the court of claims, for a fee reduction. The action must be filed within 45 days after receiving the notice of the required fee or a determination of an appeal to the head of a public body. If a civil action is commenced against the public body under this subdivision, the public body is not obligated to complete the processing of the written request for the public record at issue until the court resolves the fee dispute. An action shall not be filed under this subdivision unless 1 of the following applies:

(i) The public body does not provide for appeals under subdivision (a).

(ii) The head of the public body failed to respond to a written appeal as required under subsection (2).

(iii) The head of the public body issued a determination to a written appeal as required under subsection (2).

(2) Within 10 business days after receiving a written appeal under subsection (1)(a), the head of a public body shall do 1 of the following:

(a) Waive the fee.

(b) Reduce the fee and issue a written determination to the requesting person indicating the specific basis under section 4 that supports the remaining fee. The determination shall include a certification from the head of the public body that the statements in the determination are accurate and that the reduced fee amount complies with its publicly available procedures and guidelines and section 4.

(c) Uphold the fee and issue a written determination to the requesting person indicating the specific basis under section 4 that supports the required fee. The determination shall include a certification from the head of the public body that the statements in the determination are accurate and that the fee amount complies with the public body's publicly available procedures and guidelines and section 4.

(d) Issue a notice extending for not more than 10 business days the period during which the head of the public body must respond to the written appeal. The notice of extension shall include a detailed reason or reasons why the extension is necessary. The head of a public body shall not issue more than 1 notice of extension for a particular written appeal.

(3) A board or commission that is the head of a public body is not considered to have received a written appeal under subsection (2) until the first regularly scheduled meeting of that board or commission following submission of the written appeal under subsection (1)(a).

(4) In an action commenced under subsection (1)(b), a court that determines the public body required a fee that exceeds the amount permitted under its publicly available procedures and guidelines or section 4 shall reduce the fee to a permissible amount. Venue for an action against a local public body is proper in the circuit court for the county in which the public record or an office of the public body is located. The court shall determine the matter de novo, and the burden is on the public body to establish that the required fee complies with its publicly available procedures and guidelines and section 4. Failure to comply with an order of the court may be punished as contempt of court.

(5) An action commenced under this section and an appeal from an action commenced under this section shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(6) If the requesting person prevails in an action commenced under this section by receiving a reduction of 50% or more of the total fee, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages under subsection (7).

(7) If the court determines in an action commenced under this section that the public body has arbitrarily and capriciously violated this act by charging an excessive fee, the court shall order the public body to pay a civil fine of \$500.00, which shall be deposited in the general fund of the state treasury. The court may also award, in addition to any actual or compensatory damages, punitive damages in the amount of \$500.00 to the person seeking the fee reduction. The fine and any damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

(8) As used in this section, "fee" means the total fee or any component of the total fee calculated under section 4, including any deposit.

Sec. 10.

(1) If a public body makes a final determination to deny all or a portion of a request, the requesting person may do 1 of the following at his or her option:

(a) Submit to the head of the public body a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the denial.

(b) Commence a civil action in the circuit court, or if the decision of a state public body is at issue, the court of claims, to compel the public body's disclosure of the public records within 180 days after a public body's final determination to deny a request.

(2) Within 10 business days after receiving a written appeal pursuant to subsection (1)(a), the head of a public body shall do 1 of the following:

(a) Reverse the disclosure denial.

(b) Issue a written notice to the requesting person upholding the disclosure denial.

(c) Reverse the disclosure denial in part and issue a written notice to the requesting person upholding the disclosure denial in part.

(d) Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the head of the public body shall respond to the written appeal. The head of a public body shall not issue more than 1 notice of extension for a particular written appeal.

(3) A board or commission that is the head of a public body is not considered to have received a written appeal under subsection (2) until the first regularly scheduled meeting of that board or commission following submission of the written appeal under subsection (1)(a). If the head of the public body fails to respond to a written appeal pursuant to subsection (2), or if the head of the public body upholds all or a portion of the disclosure denial that is the subject of the written appeal, the requesting person may seek judicial review of the nondisclosure by commencing a civil action under subsection (1)(b).

(4) In an action commenced under subsection (1)(b), a court that determines a public record is not exempt from disclosure shall order the public body to cease withholding or to produce all or a portion of a public record wrongfully withheld, regardless of the location of the public record. Venue for an action against a local public body is proper in the circuit court for the county in which the public record or an office of the public body is located has venue over the action. The court shall determine the matter de novo and the burden is on the public body to sustain its denial. The court, on its own motion, may view the public record in controversy in private before reaching a decision. Failure to comply with an order of the court may be punished as contempt of court.

(5) An action commenced under this section and an appeal from an action commenced under this section shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(6) If a person asserting the right to inspect, copy, or receive a copy of all or a portion of a public record prevails in an action commenced under this section, the court shall award reasonable attorneys' fees, costs, and disbursements. If the person or public body prevails in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages under subsection (7).

(7) If the court determines in an action commenced under this section that the public body has arbitrarily and capriciously violated this act by refusal or delay in disclosing or providing copies of a public record, the court shall order the public body to pay a civil fine of \$1,000.00, which shall be deposited into the general fund of the state treasury. The court shall award, in addition to any actual or compensatory damages, punitive damages in the amount of \$1,000.00 to the person seeking the right to inspect or receive a copy of a public record. The damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.